

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:93-CR-00041-F-4

| | | |
|---------------------------|---|--------------|
| RONALD TIMOTHY STEWART, |) | |
| Petitioner, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| Respondent. |) | |

This matter is before the court on the Government's Motion to Dismiss [DE-169] Ronald Timothy Stewart's pending motion under 28 U.S.C. § 2241 [DE-161]. Also before the court is Stewart's Motion to Amend or Supplement [DE-162]. The issues have been fully briefed and are now ripe for ruling. For the reasons more fully stated below, the Government's Motion to Dismiss is ALLOWED, and Stewart's Motion to Amend or Supplement is DISMISSED as moot.

Discussion

Stewart Filed His Petition In The Wrong District.

A section 2241 petition must be brought in the district in which the petitioner is incarcerated. *See In re Jones*, 226 F.3d 328, 332 (4th Cir. 2000). According to the Bureau of Prisons' website, Stewart is confined at FCI Coleman Medium in Sumterville, Florida. Although the Government may waive its ability to move to dismiss a section 2241 motion based on being filed in the improper district, *Kanai v. McHugh*, 638 F.3d 251, 258 (4th Cir. 2011), in this case, the Government has not waived such a defense.

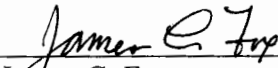
Conclusion

For the foregoing reasons, the Government's Motion to Dismiss [DE-169] is ALLOWED, and Stewart's section 2241 motion [DE-161] is DISMISSED. Stewart's Motion to Amend or

Supplement [DE-162] is DISMISSED as moot.

SO ORDERED.

This the 13 day of February, 2015.



James C. Fox
Senior United States District Judge